

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA        )  
                                      )        CRIMINAL ACTION NO.  
                                      )  
v.                                )        2:19cr62-MHT  
                                      )        (WO)  
THOMAS WILLIAM GRIER            )

OPINION AND ORDER

This case is before the court on defendant Thomas William Grier's motion to continue his trial. For the reasons set forth below, the court finds that Grier's trial, now set for May 11, 2020, should be continued pursuant to 18 U.S.C. § 3161(h).

While the granting of a continuance is left to the sound discretion of the trial judge, see *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or

indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance "would deny counsel for the defendant ... reasonable time necessary for effective preparation, taking into account the exercise of due diligence." § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Grier in a speedy trial. Due to the ongoing pandemic and related health concerns, defense counsel has been unable to meet with Grier in person to talk about the case, and a phone or video conference is not a viable option due to Grier's

hearing and health problems. Therefore, a continuance is necessary to allow the defense counsel reasonable time for effective preparation of the case. The court finds that a continuance would facilitate a fair trial and would not prejudice the parties or the public. Further, there is no objection from the government regarding Grier's request.

The jury selection and trial of this case will therefore be continued.

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Accordingly, it is ORDERED as follows:

(1) The motion to continue the trial (doc. no. 92) is granted.

(2) The jury selection and trial for defendant Thomas William Grier, now set for May 11, 2020, are continued until June 15, 2020, at 10:00 a.m., in the Frank M. Johnson Jr. United States Courthouse Complex, Courtroom 2FMJ, One Church Street, Montgomery, Alabama.

The United States Magistrate Judge shall conduct a pretrial conference prior to the June 15 trial term.

DONE, this the 22nd day of April, 2020.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE